

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS INC.

Plaintiff,

v.

ATMEL CORPORATION

Defendant.

Case No.: 02-864 (LDD)

AGERE'S MOTION FOR LEAVE TO FILE A SURREPLY

Pursuant to Local Rule 7.1(c) and the Policies and Procedures of this Court, Agere Systems Inc. respectfully moves for leave to file the attached Surreply in opposition to Rohm's motion to intervene and modify this Court's June 19, 2006 Order dismissing the underlying action. As detailed therein, the Surreply is offered to expose deficiencies and rebut factual assertions and issues raised in Rohm's Reply.

Dated: August 2, 2006

/s/ Timothy K. Gilman

Paul J. Kennedy (Atty. I.D. No. 39291)
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, Pennsylvania 19103-2799
Tel: (215) 981-4000
Fax: (215) 981-4750

Of Counsel:

John M. Desmarais
Michael P. Stadnick
Timothy K. Gilman
KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4675
Tel: (212) 446-4800
Fax: (212) 446-4900

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Case No.: 02-864 (LDD)

**AGERE'S SURREPLY IN OPPOSITION TO NON-PARTY ROHM COMPANY,
LIMITED'S MOTION TO INTERVENE AND FOR MODIFICATION OF THE
COURT'S JUNE 19, 2006 ORDER DISMISSING THE UNDERLYING ACTION**

**SURREPLY BRIEF
FILED UNDER SEAL**

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of August 2006, copies of the foregoing (1) Agere's Motion For Leave To File A Surreply; and (2) Agere's Surreply In Opposition To Non-Party Rohm Company, Limited's Motion To Intervene And Modify The Court's June 19, 2006 Order Dismissing The Underlying Action were served on counsel for Defendant Atmel and non-party Rohm as set forth below:

BY FACSIMILE

Michael A. Morse
MILLER, ALFANO & RASPANTI, P.C.
1818 Market Street, Suite 3402
Philadelphia, Pennsylvania 19103
Fax: (212) 981-0082

Robert T. Haslam
HELLER EHRMAN LLP
275 Middlefield Road
Menlo Park, California 94025
Fax: (650) 324-0638

BY FACSIMILE AND FEDERAL EXPRESS

Thomas L. Halkowski
FISH & RICHARDSON P.C.
919 N. Market Street, Suite 1100
Wilmington, Delaware 19899
Fax: (302) 652-5070

David R. Francescani
FISH & RICHARDSON P.C.
153 East 53rd Street, 52nd Floor
New York, New York 10022
Fax: (212) 258-2291

/s/ Timothy K. Gilman
Paul J. Kennedy (Atty. I.D. No. 39291)
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, Pennsylvania 19103-2799
Tel: (215) 981-4000
Fax: (215) 981-4750
Attorney for Plaintiff Agere Systems Inc.

Of Counsel:

John M. Desmarais
Michael P. Stadnick
Timothy K. Gilman
KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4675
Tel: (212) 446-4800
Fax: (212) 446-4900